

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

WILLIAM ALFRED PRESCOD

Date of Previous Judgment: February 12, 2002

(Use Date of Last Amended Judgment if Applicable)

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Case No: 5:99CR29-1

USM No: 11801-058

James Weidner, Jr.

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>39</u>	Amended Offense Level: <u>37</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>360</u> to <u>life</u> months	Amended Guideline Range: <u>360</u> to <u>life</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): The previous term of imprisonment imposed represented the low end of the guideline range (360 months), which was above the mandatory statutory minimum. However, after applying Amendment 706 in this case, the guideline range remains the same as in the original sentence (360 months to life); therefore, Amendment results in no change in this case.

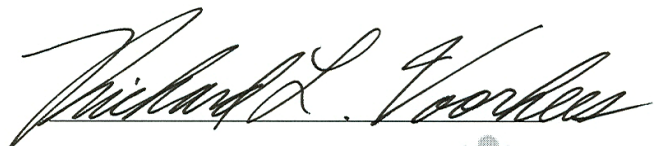
### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated February 12, 2002, shall remain in effect.

**IT IS SO ORDERED.**

Order Date: June 1, 2009

Effective Date: June 1, 2009  
(if different from order date)



Richard L. Voorhees  
United States District Judge



